

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

Civil Writ Petition No. 594 of 2005
Date of decision : 30th October, 2006

Ajit Singh and Ors.

...Petitioners

Versus

State of Haryana and Ors.

.....Respondents

**CORAM:HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV**

Present: Mr. Sunil Chaudhary, Advocate
for the petitioners

Mr.R.S.Kundu, Addl. A.G., Haryana

Mr. Raman Gaur, Advocate
for HUDA

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ASHUTOSH MOHUNTA, J. (Oral)

The petitioners have prayed for quashing of notifications dated 29.11.2001 and 28.11.2002, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (herein-after referred to as 'the Act') as well as notice under Section 9 of the Act.

Learned counsel for the petitioners contends that the petitioners have constructed their houses in Rect. No. 13/11/2(5-4) and 13/12(8-0) total area 13 kanals 4 marlas and residing there for the last 20-22 years, and has prayed that their houses are liable to be exempted from acquisition. Petitioners have also contended that proper publication of notifications under Sections 4 and 6 of the Act, has not been done. It is further contended

that the provisions of Section 5-A of the Act, have not been complied with.

Reply has been filed by the State, wherein it has been averred that the publication with regard to the issuance of notifications, issued under Sections 4 and 6 of the Act, has been done in two daily newspapers. It has further been averred that the objections filed under Section 5-A of the Act, have been decided in accordance with law and the petitioner were given the opportunity of being heard and thereafter, the same were rejected. It is further contended by the State Counsel that as the writ petition has been filed after the announcement of the award on 24.11.2004 and, hence, the same is not maintainable.

After hearing the learned counsel for the parties, we are of the considered opinion that as the substance of notification issued under Section 4 of the Act, was duly published in the two daily newspapers i.e. 'National Herald' (English) dated 07.12.2001 and the 'Dainik Bhaskar'(Hindi) dated 04.12.2001 and, therefore, there is complete compliance of the provisions of Section 4 of the Act. As far as the substance of notification issued under Section 6 of the Act is concerned, the same was also published in two daily newspapers i.e. 'The Hari Bhoomi ' (Hindi) and the 'The Hindu' (English) and, therefore, there is no infirmity in the issuance of notification under Section 6 of the Act also.

The contention of the petitioners that the objections filed by them under Section 5-A of the Act, have not been decided in accordance with law, is also without any substance as perusal of the written statement shows that petitioners No. 1, 5 and 6 did not file any objection with regard to their lands having been acquired. As far as the other petitioners are concerned, they

were also given due hearing and the objections were rejected by the competent authority. A perusal of the file also shows that the land measuring 1 kanal 13 marlas over which the petitioners have constructed their houses, have been released from acquisition, whereas the rest of the land has been acquired by the State Government.

The last contention of the petitioners that as they have constructed their houses and, as such, they are entitled to have their land released, also deserves to be rejected because the Department of Town and Country Planning, Haryana vide notification No. 10 DP-81/14221 dated 01.09.1981 declared the area around HSIDC, Kundli as controlled area under Section 4 (1)(b) of the Punjab Scheduled Roads and Controlled Areas Restrictions of Unregulated Development Act, 1963. The land of the petitioners falls within the aforementioned controlled area. As per the published final development plan, the land of the petitioners falls in Sector 58, Sonapat. Apart from above, even the award has also been announced on 24.11.2004, that is prior to the filing of the writ petition.

In the case of ' *Niranjan Singh and another Vs. State of Punjab and Another*', **AIR 1986 Punjab and Haryana 202(Full Bench)**, it has been held that:-

“2..... Once the Collector makes his award under Section 11 of the Act and takes possession of the land, two consequences follows, i.e. (i) the acquired land absolutely vests in the government, and (ii) such vesting is free from all encumbrances. In other words, with the taking of the possession by the Government, the title of the land acquired completely passed to the State.”

The aforesaid view has been reiterated by a Division Bench of this Court in the case of *M/s Convertaid Engineers Pvt. Ltd.*, **2003(1)RCR (Civil 427 (P&H))**. Both these judgments have been followed by a Division Bench of this Court in '*Ashok Kumar and Others Versus State of Haryana and Ors.*', **2004(2) RCR (Civil) 443**.

We are of the considered opinion that the aforesaid observations are fully applicable in the facts and circumstances of the present case.

In view of the above, we find no merit in the writ petition and the same is accordingly dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

October 30, 2006
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